

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 12.08 of the Lincoln Municipal Code relating to Parks General
2 Rules and Regulations by amending Section 12.08.070 to provide that the Director of Parks and Recreation rather
3 than the Mayor may authorize a temporary extension of the hours during which a park shall be open to the public;
4 repealing Section 12.08.150 which prohibits the operation of vehicles during public gatherings in parks; amending
5 Section 12.08.230 to provide that the Director of Parks and Recreation, in addition to the Mayor and City Council, may
6 authorize commercial activity within any park or on the roadways therein; amending Section 12.08.310 to provide that
7 the Director of Parks and Recreation rather than the Mayor may grant a license for the use of Pinewood Bowl, or any
8 athletic field, municipal swimming pool, or similar recreational facility, and increasing City liability coverage to
9 \$1,000,000; amending Section 12.08.320 to provide that the Director of Parks and Recreation rather than the Mayor
10 is authorized to grant concessions upon park property; and repealing Sections 12.08.070, 12.08.230, 12.08.310 and
11 12.08.320 of the Lincoln Municipal Code as hitherto existing.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 Section 1. That Section 12.08.070 of the Lincoln Municipal Code be amended to read as follows:

14 **12.08.070 Unlawful to Be in Park After Hours; Closing Hours; Entering a Closed**
15 **Area.**

16 (a) It shall be unlawful for any person to occupy or be present in any park during any hours during which
17 said park is not open to the public.

18 (b) Subject to the provisions of subparagraphs (c) and (d) of this section, all parks shall be opened daily
19 to the public during the hours of 6:00 a.m. to 12:00 midnight, except Wilderness Park which shall be open from
20 sunrise to sunset, and Iron Horse Park which shall be open twenty-four hours a day.

1 (c) The ~~Mayor~~ Director may, after review and recommendation by the Park and Recreation Advisory
2 Board, temporarily authorize an extension of the hours during which a park shall be open to the public. Such
3 authorization shall be by ~~executive order~~ which in writing and shall specify the extended hours, the dates during which
4 such extended hours shall be in effect, and the specific park or parks to which such temporarily extended hours shall
5 apply.

6 (d) Any park may be declared closed to the public by the Mayor or Director of Parks at any time or at
7 regular or stated intervals when necessary for:

- 8 (1) the care and maintenance of the park; or
9 (2) the health, safety and welfare of the public; or
10 (3) the protection or preservation of park property. When so closed, the Director shall cause
11 notice to be posted at the entrance to said park to notify the public that the park is closed, and when so posted it shall
12 be unlawful for any person to enter said park; and it shall be unlawful for any person to remain in said park after oral
13 notice by the Director, or any law enforcement officer or other duly authorized representative of the Director that said
14 park is closed, regardless of whether or not the notice has been posted.

15 Section 2. That Section 12.08.150 of the Lincoln Municipal Code be and the same is hereby
16 repealed.

17 **~~12.08.150 Operation of Vehicles During Public Gatherings in Parks.~~**

18 ~~It shall be unlawful for any person, during the occupancy of any park by people gathered on concert or special~~
19 ~~days, to operate, drive, or propel any vehicle, motor vehicle, or motorcycle, during the time when any exercises or~~
20 ~~performances are going on. Said vehicles must be at rest, so that the performances and pedestrians may not be~~
21 ~~interfered with in any manner.~~

22 Section 3. That Section 12.08.230 of the Lincoln Municipal Code be amended to read as follows:

23 **12.08.230 Selling, Peddling, etc.**

1 It shall be unlawful for any person to have any commercial activity within any park or on any roadway within
2 any park, except as authorized by action of the City Council, ~~or of the Mayor, or Director.~~

3 Section 4. That Section 12.08.310 of the Lincoln Municipal Code be amended to read as follows:

4 **12.08.310 License for Use of Park Property or Recreational Facilities.**

5 (a) Notwithstanding other provisions of this chapter, the ~~Mayor~~ Director may grant a license for the use
6 of Pinewood Bowl, or any athletic field, municipal swimming pool, or similar recreational facility upon such terms
7 deemed in the best interest of the city, to any person, persons, or organization for the purpose of holding any athletic
8 exhibition, sports event, recreational activity, musical concert, play, show, or similar activity for which admissions may
9 be charged; provided, however:

10 (1) Any such activity shall be conducted pursuant to the rules and regulations as established
11 therefor by the Director or the Mayor pursuant to Section 12.08.330 of this chapter;

12 (2) Admission fees, if any, to such event shall be subject to the approval of the Director;

13 (3) The city may retain for its own use a percentage of any such admission as may be
14 previously determined by the Director, or may require the licensee to pay such other consideration as may be agreed
15 upon between the licensee and the Director;

16 (4) The use of such facilities shall only be granted to the licensee for such times as are
17 reasonably necessary for holding the activity for which the license was granted, and in no event shall a license be
18 granted which would unreasonably interfere with the use of park facilities by the public;

19 (5) Such license shall be granted as a privilege only and shall be revocable at any time by the
20 city.

21 (b) Any license issued hereunder shall include:

22 (1) The name, address, telephone number of the licensee, and the name of the persons who
23 will oversee the use requested;

24 (2) The exact use for which the license is requested;

1 (3) The facility requested for such use;

2 (4) The dates and hours for which the use is requested;

3 (5) The number of persons expected to attend;

4 (6) An agreement to save and keep the city free and harmless from any and all losses, or
5 damage, or claims for damages arising from or out of such use;

6 (7) A requirement that the licensee shall furnish to the city liability insurance in the minimum
7 amount of ~~\$300,000.00~~ \$1,000,000.00 for the injury or death of any number of persons in any one occurrence, and
8 \$100,000.00 for property damage in any one occurrence, and both the licensee and the city shall be insureds
9 thereunder. Separate policies or certificates of insurance showing the licensee to be covered under one policy, and
10 the city to be covered under another policy, may be filed in lieu of a single policy or certificate at the option of the
11 licensee. All such policies or certificates shall be issued by companies authorized to do business in the State of
12 Nebraska, and shall be approved as to form by the City Attorney before any license granted hereunder is effective;

13 (8) Such other information, terms, or conditions as may be deemed necessary by the Director.

14 Section 5. That Section 12.08.320 of the Lincoln Municipal Code be amended to read as
15 follows:

16 **12.08.320 Concessions.**

17 Notwithstanding other provisions of this chapter, the ~~Mayor~~ Director is authorized to grant concessions to
18 occupy or remain upon property under the control of the Parks and Recreation Department for the purpose of providing
19 refreshments, equipment rentals, or other services which would further the public use and enjoyment of the parks and
20 park properties. Such concessions shall be granted upon such terms and conditions as may be deemed by the Mayor
21 to be in the best interests of the city; provided, however, that such concessions shall be granted as a privilege only
22 and subject to revocation by the city at any time, and provided, further, that no concession shall be granted which
23 would unreasonably interfere with the use of parks or park properties by the public. Any concession granted which
24 permits the sale of food shall be subject to all applicable health regulations.

1 Section 6. That Sections 12.08.070, 12.08.230, 12.08.310 and 12.08.320 of the Lincoln Municipal
2 Code as hitherto existing be and the same are hereby repealed.

3 Section 7. That this ordinance shall take effect and be in force from and after its passage and
4 publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant